

**PENDING LEGISLATION
MANDATE REIMBURSEMENT PROCESS
OVERVIEW – March 1, 2004**

There are eight Assembly bills and two Senate bills that address the mandate reimbursement process. Except for AB 2224, the Commission does not have positions on these bills. These bills may be monitored from the Commission's website (csm.ca.gov) or directly from the Legislature's website (leginfo.ca.gov).

ASSEMBLY BILLS

AB 2009 - Pacheco and Machado

Sponsor: Authors

Subject: Penalties for Late Filings- Mandate Reimbursement Claims

Status: Pending committee assignment in the Assembly

This bill would allow the Controller to waive the 10% penalty for filing initial reimbursement claims late if the Controller determines the late filing is due to "extraordinary circumstances" beyond the control of the claimant.

This bill would also restore the \$1,000 ceiling for late filing penalties, and allow the Controller to decrease or waive this penalty based on a determination that the late filing is due to "extraordinary circumstances" beyond the control of the claimant.

For purposes of these provisions, "extraordinary circumstances" may include reduced or deferred funding from the state, or delays in providing necessary information by a state agency.

AB 2224 – Cohn

Sponsor: Commission on State Mandates and State Controller's Office

Subject: State Mandates: Reimbursement

Status: Pending in Assembly Local Government Committee.

This bill would implement portions of the October 15, 2003 Bureau of State Audits report on the *Animal Adoption and Peace Officer Bill of Rights* programs. The bill would require the Commission to amend the parameters and guidelines for the *Animal Adoption* program to revise the formula for determining the reimbursable portion of acquiring or building additional shelter space to comply with the program, clarify how the costs for care and maintenance shall be calculated, and detail the documentation necessary to support reimbursement claims under this program.

The bill would also authorize the State Controller to conduct field reviews of any reimbursement claim after it has been submitted and prior to reimbursement of the claim. The bill would also place in statute the process for amending parameters and guidelines that is currently in the Commission's regulations, and make other technical amendments to the mandates process.

AB 2851 - Laird and Members of the Special Committee on State Mandates

Sponsor: Authors (Not a committee bill)

Subject: Budget Act; State Mandates

Status: Pending committee assignment in the Assembly

This bill would suspend the *Investment Reports* and *County Treasury Oversight Committees* mandates for the 2003-04 budget year for school districts; and would delete budget act references to the following mandates which are no longer reimbursable: *Elections Materials*; *Democratic Presidential Delegates*; *Mineral Resources Policies*; *Short-Doyle Case Management*; and *Short-Doyle Audits*. The bill would also require the Commission to reconsider its decisions on the following mandates: *Sex Offenders: Disclosure by Law Enforcement Officers*; *Extended Commitment*, *Youth Authority*; *Brown Act Reform*; and *Photographic Record of Evidence*.

AB 2852 - Laird and Members of the Special Committee on State Mandates

Sponsor: Authors (Not a committee bill)

Subject: Public Safety: State Mandates

Status: Pending committee assignment in the Assembly

This bill would make the following long suspended mandates optional: *Deaf Teletype Equipment*; *CPR Pocket Masks*; *Sexual Harassment Training in the Law Enforcement Workplace*; *Elder Abuse Training*; *SIDs Training for Firefighters*; *Two-Way Traffic Signal Communications*; *Victim's Statements in Felony Cases*; *Domestic Violence Information*; and *Victim's Statements (Minors)*.

AB 2853 - Laird and Members of the Special Committee on State Mandates

Sponsor: Authors (Not a committee bill)

Subject: Local Government Expenses: State Mandates

Status: Pending committee assignment in the Assembly

This bill would make the following mandates optional: *Involuntary Liens*, *Proration of Fines*, *County Treasury Oversight Committees*, *Filipino Employee Surveys*, *Investment Reports*, *Property Tax-Family Transfers*, and *Guardianship/Conservatorship Filings*.

AB 2854 - Nunez and Laird

Sponsor: Authors

Subject: Elections: State Mandates

Status: Pending committee assignment in the Assembly

This bill would make specific elections mandates optional.

AB 2855 - Nunez and Laird

Sponsor: Authors

Subject: Habitual Truant

Status: Pending committee assignment in the Assembly

This is a spot bill for the Special Committee on State Mandates to repeal or modify education mandates.

AB 2856 - Nunez and Laird

Sponsor: Authors
Subject: State Mandates: Commission on State Mandates
Status: Pending committee assignment in the Assembly

This is a spot bill for the Special Committee on State Mandates to enact structural reforms.

SENATE BILLS**SB 1219 - Margett**

Sponsor: To be determined.
Subject: Commission on State Mandates
Status: Pending committee assignment in the Senate

This is a spot bill.

SB 1573 - Battin

Sponsor: To be determined.
Subject: State Mandates: Reimbursement
Status: Pending committee assignment in the Senate

This bill would clarify that costs eligible for reimbursement include only costs:

- In addition to costs previously incurred, including any discretionary efforts to implement the program prior to enactment of the mandate, unless otherwise specified by the Legislature; and
- Of providing the program in the most cost-effective manner and at the minimum level necessary to comply with the mandate; and
- Up to a maximum level specified in the legislation.

This bill would exclude from the definition of “costs mandated by the state:”

- Costs incurred that apply only to programs that local agencies voluntarily choose to implement;
- Costs of redirected employee time, unless the redirection is so material that the employees cannot accomplish their regular duties; and
- Costs incurred in compliance with federal law that subsequently mandates the same or similar level of service previously mandated by the state.

This bill would also require

- The Commission, at least 60 days prior to the anticipated date of adoption of the Ps&Gs, to submit the proposed Ps&Gs to the chairpersons of the legislative fiscal committees.
- The Controller, when paying reimbursement claims, to credit the amount of any state or federal funding available to the claimant for the mandate as an offset to the claim.